IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 29302 of 2007(L)

PETITIONER:

DEEPU DIVAKARAN,
S/O DIVAKARAN, CHAPPURAYIL HOUSE,
POOTHRIKKA (PO), PUTHENCRUZ.(VIA),
ERNAKULAM DIST.

BY ADV. SRI.C.N.PRABHAKARAN

RESPONDENTS:
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1. **THE KERALA PUBLIC SERVICE COMMISSION,**
   PATTOM, THIRUVANANTHAPURAM,
   REPRESENTED BY ITS SECRETARY.

2. **THE DISTRICT OFFICER,**
   THE KERALA PUBLIC SERVICE COMMISSION,
   DISTRICT OFFICE, ERNAKULAM.

BY ADV. SRI.ALEXANDER THOMAS,SC,KPSC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C)29302 of 2007

Dated this the 10th day of October 2007

JUDGMENT

Public Service Commission issued a notification inviting applications for selection to the post of HSA (Natural Science). The last date of receipt of the application was 11.4.2007 at 5 p.m. and the notification was issued on 12.3.2007. According to the petitioner, he had sent an application from Kolencherry by ordinary post on 3.4.2007. According to him, the same must have reached the Public Service Commission well within the last date.

2. On instructions, learned Standing Counsel for the PSC submits that the petitioner's application was received in the office of the second respondent only on 13.4.2007, after the last date of receipt of the application.

3. Learned counsel for the petitioner submits that it obviously would not have taken more than one day's time for a postal article to reach Ernakulam from Kolencherry and therefore the version given by the PSC cannot be accepted.

4. This Court cannot conduct a verification on such seriously disputed questions of fact. It would have been much wiser if the petitioner had maintained some contemporaneous material to show that he had made the application in time. I find no reason not to accept the submission made by the Public Service Commission that the application was received only on 13.4.2007. I find no merit in the writ petition. The same is dismissed.

V.GIRI, JUDGE

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